

Remarks:

Reconsideration of the application is requested.

Claims 20, 21, 25, 27, 28, 30, and 40 to 45 remain in the application. Claims 20 and 42 to 45 have been amended. Claims 1 to 19, 22 to 24, 26, and 31 to 39 have been canceled to facilitate prosecution of the instant application.

On pages 2 to 3 of the above-identified Office action, the Examiner indicates a belief that "a new lack of unity requirement has developed during the examination of this application" to require restriction under 35 U.S.C. 121 and 372. Specifically, the Examiner believes that the list of possible second substances set forth in the independent claims address different inventive ideas.

Applicant respectfully disagrees. The "second substance" cannot be simply understood as a group of substances and, therefore, separated into different groups. Actually, the list should be understood as a group of colloids, which is one of the materials of the pharmaceutical composition of the present invention and on which those having skill in the art of this technology would understand. Although all compounds of the "second substance"

have different chemical constitutions, they all can bring the same effect as a colloid in the pharmaceutical composition. Simply put, the compounds of group of colloids contain the same technical features and should be technically interrelated to belong to a single general inventive concept and, therefore, possess a unity of invention.

This statement is supported by the claims of United States Patent No. 4,908,350. In the '350 patent, specifically:

in claim 2, the crystalloid is selected from the group consisting of physiologically acceptable sodium salts, sugar alcohols and sugars; and

in claim 5, the **colloid is selected from the group consisting of physiologically acceptable dextran, hydroxyethyl starch or protein.**

These crystalloids and colloids each contain three compounds, respectively, each of which belonging to compounds with different chemical constitutions. Because these compounds were found to have unity of invention in the '350 patent, the compounds set forth in the list of "second substance" in the

claims of the instant application should as well.

Nonetheless, in deference to the election requirement, applicant provisionally elects, with traverse, Group I -- claims 20, 21, 25, 27, 28, 30, and 40 to 45 for prosecution at this time.

Applicant reserves the right to file divisional applications including the claims of Groups II, III, IV, and V at a later date.

Applicant appreciates the Examiner's time during the March interview. The Examiner indicated that restriction to Group I along with the feature of claim 22 would place the claims in a condition for allowance. Applicant has elected Group I and has incorporated the features of claim 22 into all of the independent claims. Therefore, applicant respectfully believes that the remaining claims are allowable.

In view of the foregoing, reconsideration and allowance of claims 20, 21, 25, 27, 28, 30, and 40 to 45 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone

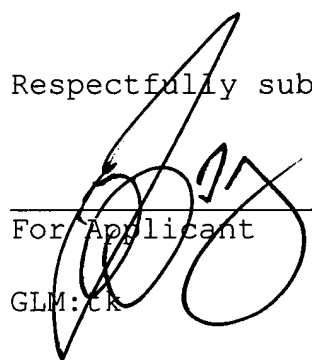
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Reply to Office action of April 1, 2005

call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Deposit Account of Feldman Gale, P.A., No. 502524.

Respectfully submitted,



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